

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

JUUL LABS, INC.,

Plaintiff,

v.

Civil Action No. 1:19-cv-00715-LO-IDD

**THE UNINCORPORATED ASSOCIATIONS
IDENTIFIED IN SCHEDULE A,**

Defendants.

**PLAINTIFF'S MEMORANDUM IN SUPPORT OF *EX PARTE* MOTION TO
EXTEND THE TEMPORARY RESTRAINING ORDER**

Pursuant to Rule 65(b)(2) of the Federal Rules of Civil Procedure and the Court's inherent power to effectuate its own orders, Plaintiff Juul Labs, Inc., ("Plaintiff" or "JLI"), seeks to extend the Temporary Restraining Order granted and entered by the Court on June 7, 2019 (the "TRO") [D.I. 20], extended on June 18, 2019 [D.I. 34], and scheduled to expire on July 12, 2019, for a period of fourteen (14) days until July 26, 2019.

On June 18, 2019, this Court entered the TRO against the Defendants identified on Schedule A to the Verified Complaint [D.I. 20]. On June 18, 2019, this Court extended the TRO to expire on July 12, 2019. On June 13, 2019, Plaintiff received its requested discovery from PayPal and a confirmation from PayPal that it had frozen the subject Defendant PayPal accounts. Declaration of Monica Riva Talley (the "Talley Decl."), ¶ 5. Using the information from PayPal, as well as the shipping information received from Defendants, Plaintiff's Counsel discovered that a number of the Defendants are Chinese and reside and conduct business in China. This

discovery has caused some additional delays in locating valid addresses for the Defendants in this case. Talley Decl., ¶ 7. Plaintiff is diligently attempting to find physical locations for each of the Defendants to effectuate service. Talley Decl., ¶ 6. Plaintiff expects to complete this process no later than July 19, 2019.

In addition to filing an Amended Complaint listing the Defendants and proposed summons for the Defendants having ascertainable addresses within the United States, Plaintiff intends to file separate proposed summons for the Defendants who, upon information and belief, reside and conduct business in China. Plaintiff also intends to file a motion to serve those Defendants by email. *See* Talley Decl., ¶ 8. Plaintiff will then attempt to effectuate service on the Defendants based in the United States at the identified physical locations, and with the approval of this Court, will effectuate service on the Chinese Defendants by email.

Rule 65(b)(2) states that a temporary restraining order entered without notice may be extended provided a party can show, prior to expiration of the order, good cause for such an extension. Fed. R. Civ. P. 65(b)(2). Plaintiff respectfully submits that there is good cause to extend the TRO, since there is a high probability that the Defendants will continue to harm Plaintiff without the TRO in place. Specifically, Defendants will likely attempt to move any assets from their financial accounts to other accounts, potentially outside of this Court's jurisdiction. As discussed in Plaintiff's Memorandum in Support of its *Ex Parte* Motion for Entry of a Temporary Restraining Order, and as found by the Court in granting the TRO, this possibility of harm is significant. In addition, Plaintiff needs this additional time to locate and effectuate service on the Defendants. Accordingly, in the interest of justice, Plaintiff submits that extension of the TRO is necessary. In light of the above, Plaintiff respectfully requests that the

TRO scheduled to expire on July 12, 2019 be extended for a period of fourteen (14) days until July 26, 2019.

Date: July 8, 2019

Respectfully submitted,

/s/ Monica Riva Talley

Monica Riva Talley (VSB No. 41840)

Byron Pickard (VSB No. 47286)

Dennies Varughese, Pharm.D. (*pro hac vice*)

Nirav N. Desai (VSB. No. 72887)

Nicholas J. Nowak (*pro hac vice*)

Daniel S. Block (*pro hac vice*)

STERNE KESSLER GOLDSTEIN & FOX, PLLC

1100 New York Ave., N.W., Suite 600

Washington, DC 20005-3934

Telephone No.: (202) 371-2600

Facsimile No.: (202) 371-2540

mtalley@sternekessler.com

bpickard@sternekessler.com

dvarughe@sternekessler.com

ndesai@sternekessler.com

nnowak@sternekessler.com

dblock@sternekessler.com

Attorneys for Plaintiff